

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA

Plaintiff,

vs.

RICHARD L. PIERCE, JANNA M. PIERCE,

Defendants.

**4:12CR3037**

**MEMORANDUM AND ORDER**

The defendants have moved to continue the trial currently set for July 17, 2012. (Filing No. 14). As explained by defense counsel, the defendants need additional time to investigate this case and review discovery before trial begins. The motion to continue is unopposed. The court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendants' motion to continue, (filing no. 14), is granted.
- 2) The trial of this case is set to commence before the Honorable John M. Gerrard, in Courtroom 1, United States Courthouse, Lincoln, Nebraska at 9:00 a.m. on August 28, 2012, or as soon thereafter as the case may be called, for a duration of three (3) trial days. Jury selection will be held at commencement of trial.
- 3) Based upon the representations of defense counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendants and the public in a speedy trial. Accordingly, the additional time arising as a result of the granting of the motion, the time between today's date and August 28, 2012, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).

June 28, 2012.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge